

William M. Fitzgerald, Esq.
LAW OFFICE OF WILLIAM M. FITZGERALD
2nd Floor, Macaranas Building
P.O. Box 909
Saipan, MP 96950
Telephone (670) 234-7241
Facsimile (670) 234-7530

Bruce Berline, Esq.
Law Office of Bruce Berline
2nd Floor, Macaranas Building
P.O. Box 5682 CHRB
Garapan, Saipan, MP 96950
Telephone: (670) 233-3663
Facsimile: (670) 233-5262

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KENNETH COUTURE,)	CV NO. 05-0024
)	
Plaintiff,)	
)	PLAINTIFF'S OPPOSITION TO
v.)	DEFENDANTS' EX PARTE MOTION
)	FOR AN ORDER COMPELLING
AMERICAN OVERSEAS MARINE))	PLAINTIFF'S ATTENDANCE AT
CORPORATION and GENERAL DYNAMICS))	SETTLEMENT CONFERENCE.
CORPORATION,)	
)	
Defendants.)	Date: March 14, 2007
)	Time: 10:00 a.m.
)	Judge: Munson

Plaintiff hereby objects to and opposes Defendants' motion to compel his attendance at the settlement conference. Plaintiff's counsel will be present "with full authority to participate in settlement negotiations and to effect a complete compromise of the case" and will be available via telephone if needed. See LR 16.2CJ(c)(5)(b). Moreover, Plaintiff will be available to come to the Court in person

1 forthwith if this Court feels it is necessary to speak with him in person or it appears that the parties are
2 beginning to make real progress towards a resolution.

3 Defendants state that because Plaintiff is “on vacation” he will not be inconvenienced.” See
4 Defs’ Mtn at 2. This is simply not true. There is no reason for Plaintiff to sit around idle at the Court
5 while the parties discuss the issues of the case and negotiate. Settlement conferences can entail a lengthy
6 processes and, given the Defendants’ previous refusal participate in any settlement negotiations, the
7 negotiations may lead nowhere. The parties have always been miles apart when it comes to negotiation
8 and Defendants, to this day, have never given Plaintiff a written offer or even made a counter offer to
9 his offers to settle.

10 Plaintiff requests that Defendants’ ex parte motion to compel his attendance be denied.
11 Plaintiff’s representatives will be present and Plaintiff will be available via phone and if necessary, will
12 be able to come to the Court forthwith.

13 Dated this 9th day of March, 2007

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16 BRUCE BERLINE
17 WILLIAM M. FITZGERALD
18 Attorneys for Plaintiff
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